

Application No.: 10/039,156

Docket No. D02832

**REMARKS**

**A. Status of the Application**

Claims 1-38 were under consideration in the instant application.

With this response the Applicant has requested that claims 1-3, 5, 15, 16, 19-22, 24, 34 and 38 be amended. Applicant has also requested that Claims 4, 10-14, 17, 23, 28-33 and 36 be canceled.

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**B. Rejections of the Claims under 35 U.S.C. § 103**

The Examiner rejected claims 1 - 38 as being unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,910,987 ("Ginter") in view of U.S. Patent No. 6,593,860 ("Lai"). The Examiner contends that Ginter disclosed a digital rights management method applicable to content obtained from a plurality of content providers in a virtual distribution environment wherein format of the content is changed to suit the users environment. Lai, is described by the Examiner as a system for transcoding of stored content to match the format employed by the user. The Examiner cites Figs. 1, 5B and 6, as well as the text of Col. 1, Col. 2, and Col. 3, lines 1-25 to support this interpretation of Lai.

Applicant agrees with the Examiner's characterization of Ginter and Lai as individual references, but again calls the Examiner's attention to what is being claimed in the present application. The instant invention is not a transcoding scheme – In fact, the Applicant very clearly states such in paragraph 0028 of the published application:

[0028] In order to convert from the original DRM scheme to the native DRM scheme, the processor 110 processes DRM data of the original DRM scheme and decrypts the content in accordance with this data. The content is then re-encrypted by the processor 110 using the native DRM scheme. The native DRM scheme may comprise any DRM scheme now known in the art or subsequently developed. Various DRM schemes are already well known, and can be found in the literature. In accordance with the present invention, the content may also be transcoded (e.g., by transcoder 130) from an original format to a native format compatible with the consumer device 200. Transcoding is also well known in the art as can be seen, for example, in U.S. Patent 6,275,536 to X. Chen, et al. entitled "Implementation Architectures of a Multi-Channel MPEG Video Transcoder Using Multiple Programmable Processors." (*emphasis added*)

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The content associated with the DRM scheme may be transcoded; the processing and conversion of the DRM scheme is not transcoding.

Published technical references define transcoding as follows:

A procedure for modifying a stream of data so that it may be carried via a different type of network. For example, transcoding allows H.320 video encoding, carried via circuit switched TDM systems to be converted to H.323 so that it can connect with and be transmitted across packet switched Ethernet LAN. (Newton's Telecom Dictionary, Copyright 2000, Harry Newton)

and;

The conversion of digital signals from one coding plan to another, as in the translation between European A-law 30-channel pulse-code-modulated signals to North American  $\mu$ -law 24-channel PCM signals. (The Information Age Dictionary, Copyright 1992, Intertec Publishing Corporation and Bellcore)

Both these definitions are in full agreement with the Applicant's present position, and the prior response sent to the Examiner on April 28, 2005.

Lai discloses a system wherein stored content is transcoded, and combining it with Ginter's multiple content provider digital rights management method cannot yield the Applicant's invention. As noted in Applicant's previous response:

Lai discloses only the transcoding of content from one format to another, and does not disclose or remotely suggest converting an original DRM scheme to another, native, DRM scheme. Lai merely lists "digital rights management" as one publishing variable for media content (Col 1, lines 35-40). The disclosure of Lai is limited to on-demand transcoding of content from one format to another. Examples of these formats are provided in Table I of Lai at

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Columns 19-20, and include file formats such as Adobe Illustrator, GIF, JPEG, BITMAP, MPEG, QUICK TIME, TIFF, and the like. The formats listed in Table 1 are all content file formats, and do not relate to any type of DRM scheme used to manage or protect the content. Lai simply does not disclose any type of conversion from one DRM scheme to another.

In addressing the Examiner's rejection, Applicant has come to appreciate the ambiguity a reader could find in Claim 1 (as originally filed). To better clarify the instant invention, Applicant has requested that Claim be amended to read as follows:

1. (Presently Amended) A method for digital rights management (DRM) associated with program content transmitted between a plurality of program content providers, comprising the steps of: receiving program content over a first network from a program content provider having an original associated DRM scheme; processing said original associated DRM scheme; decrypting the associated DRM scheme; re-encrypting the decrypted associated DRM scheme in accordance with ~~to~~ a native DRM scheme compatible with a consumer device used to process said program content; and securely delivering said program content to said consumer device using said native DRM scheme over a second network.

It is believed that with this amendment, any confusion between the program content and the DRM information has been removed. All of the amendments to this claim are clearly and fully supported by the original specification. Applicant has requested a similar amending of Claim 20 (the only other pending independent claim).

Applicant has also requested the amendment of dependent Claims 2, 3, 5, 15, 16, 19, 21, 22, 24, 34 and 38 so as to conform them to amended Claims 1 and 20.

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Applicants submit that the present invention, is readily distinguishable from any reasonable combination of Ginter and Lai.

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**CONCLUSION**

The presently amended claims are believed to be patentably distinguishable from the cited art, and Applicant respectfully requests that they be passed to allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited to contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby requests such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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Respectfully submitted,

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